

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MICHAEL L. HOLT,

Plaintiff,

v.

99 CENT STORE OF RENO, NV, *et al.*,

Defendants.

Case No. 3:17-cv-00051-MMD-VPC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
VALERIE P. COOKE

Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie P. Cooke (ECF No. 8) ("R&R") relating to plaintiff's second amended complaint (ECF No. 7.) Plaintiff had until August 8, 2017, to file an objection to the R&R. To date, no objection to the R&R has been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review

1 employed by the district court when reviewing a report and recommendation to which no
2 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.
3 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that
4 district courts are not required to review "any issue that is not the subject of an objection.").
5 Thus, if there is no objection to a magistrate judge's recommendation, then the court may
6 accept the recommendation without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226
7 (accepting, without review, a magistrate judge's recommendation to which no objection
8 was filed).

9 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
10 determine whether to adopt Magistrate Judge Cooke's R&R. Upon reviewing the R&R and
11 the records in this case, this Court finds good cause to accept and adopt the Magistrate
12 Judge's R&R in full.


13 It is therefore ordered, adjudged and decreed that the Report and Recommendation
14 of Magistrate Judge Valerie P. Cooke (ECF No. 8) is accepted and adopted in its entirety.

15 It is further ordered that plaintiff's second amended complaint is dismissed with
16 prejudice, without leave to amend.

17 The Clerk is directed to enter judgment and close this case.

18 DATED THIS 23rd day of October 2017.

19
20
21
22
23
24
25
26
27
28



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE